



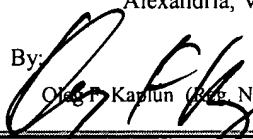
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[40128/00801]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Robert et al.  
Patent No. : 10/724,294  
Filed : November 28, 2003  
For : METHOD AND APPARATUS FOR CONDUCTING  
TOTAL LIQUID VENTILATION WITH CONTROL OF  
RESIDUAL VOLUME AND VENTILATION CYCLE  
PROFILE  
Group Art Unit : 3764  
Examiner : To Be Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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|---|---------------|
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| By:    | Date: 8/23/04 |
| Oleg F. Kaplun (Reg. No. 45,559)  |               |

**TRANSMITTAL**

S I R:

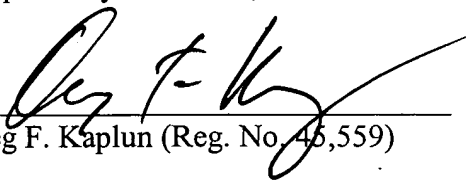
Transmitted herewith please find for filing in the above-identified patent an Information Disclosure Statement and PTO-1449 along with a copy of thirty two (32) references. No fees are believed to be required. However, if fees are required, please charge the Deposit Account of **Fay Kaplun & Marcin, LLP No. 50-1492**. A copy of Transmittal is included for that purpose.

Respectfully submitted,

Dated:

*August 23, 2004*

By:

  
Oleg F. Kaplun (Reg. No. 45,559)

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[40128/00801]

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**INFORMATION DISCLOSURE STATEMENT**

S I R:

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following fifty- four (54) references to the attention of the Examiner, nine (9) of which were included in the European Search Report of a related application. The references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of the European Search Report is enclosed herewith.

2. Applicants have enclosed thirty-two (32) other references. The remaining twenty-two

(22) references are United States Patents or United States Patent Applications and as such as not enclosed herewith.

3. By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

4. By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

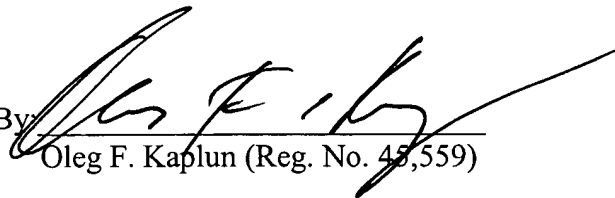
5. By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Respectfully submitted,

Dated:

*August 23, 2009*

By:



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

**FORM PTO-1449**

ATTY. DOCKET NO.  
40128/00801

SERIAL NO.  
10/724,294

APPLICANT(S)  
Robert et al.

FILING DATE  
November 28, 2003

GROUP  
To Be Assigned

**U. S. PATENT DOCUMENTS**

| EXAMINER<br>INITIAL | PATENT<br>NUMBER | PATENT<br>DATE    | NAME             | CLASS | SUBCLASS | FILING<br>DATE* |
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|                     | 6,041,777        | March 28, 2000    | Faithfull et al. |       |          |                 |
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|                     | 5,540,225        | July 30, 1996     | Schutt           |       |          |                 |
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|                     | 4,232,665        | November 11, 1980 | Vaseen           |       |          |                 |
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|                     | 5,853,003        | December 29, 1998 | Faithfull et al. |       |          |                 |
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|                     | 5,492,109        | February 20, 1996 | Hirschl et al.   |       |          |                 |
|                     | 5,437,272        | August 1, 1995    | Fuhrman          |       |          |                 |
|                     | 5,335,650        | August 9, 1994    | Shaffer et al.   |       |          |                 |
|                     | 5,226,727        | July 13, 1993     | Reichner         |       |          |                 |
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|                     | 5,531,219        | July 2, 1996      | Rosenberg        |       |          |                 |
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|                     | 6,241,945        | June 5, 2001      | Owen             |       |          |                 |

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| EXAMINER<br>INITIAL | APPL. PUBLICATION<br>NUMBER | PUBLICATION<br>DATE | NAME        | CLASS | SUBCLASS | FILING<br>DATE* |
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|                     | US 2002/0023640             | February 28, 2002   | Nightengale |       |          |                 |

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| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE<br>(M/D/Y)    | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|---------------------|--------------------|--------------------|---------|-------|----------|-------------|----|
|                     |                    |                    |         |       |          | YES         | NO |
|                     | WO 99/62626        | December 9, 1999   | WO      |       |          | N/A         |    |
|                     | WO 93/09833        | May 27, 1993       | WO      |       |          | N/A         |    |
|                     | CA 2,035,492       | March 27, 2001     | CA      |       |          | N/A         |    |
|                     | ES 2 154 596       | April 1, 2001      | ES      |       |          | YES*        |    |
|                     | WO 97/19719        | June 5, 1997       | WO      |       |          | N/A         |    |
|                     | WO 92/19232        | November 12, 1992  | WO      |       |          | N/A         |    |
|                     | WO 91/03267        | March 21, 1991     | WO      |       |          | N/A         |    |
|                     | WO 94/08652        | April 28, 1994     | WO      |       |          | N/A         |    |
|                     | WO 97/32621        | September 12, 1997 | WO      |       |          | N/A         |    |
|                     | WO 99/24100        | May 20, 1999       | WO      |       |          | N/A         |    |
|                     | WO 99/52621        | October 21, 1999   | WO      |       |          | N/A         |    |

\* English translation of abstract only.

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| EXAMINER<br>INITIAL | AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.  |
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|                     | Hirschl et al. "Evaluation of gas exchange, pulmonary compliance, and lung injury during total and partial liquid ventilation in the acute respiratory distress syndrome," <i>Critical Care Med.</i> 24, (1996), pp. 1001-1008 [15 sheets]; |
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|                     | Sekins et al. "Recent innovations in total liquid ventilation system and component design," <i>Biomed Instrum Technol.</i> 33, (1999), pp. 277-84;  |

| EXAMINER<br>INITIAL |  | AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.  |
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|                     |  | Larrabe et al. "Development of a time-cycled volume-controlled Pressure-limited respirator and lung mechanics system for total liquid ventilation," <i>IEEE Transactions on Biomedical Engineering</i> . 48, (2001), pp. 1134-1144; |
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|                     |  | Heckman et al. "Software for real-time control of a tidal liquid ventilator," <i>Biomed Instrum Technol</i> . 33, (1999) pp. 268-276;   |
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|   |                 |
|---|-----------------|
| EXAMINER  | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |